

**UNITED STATES DISTRICT COURT**  
 for the  
**Eastern District of New York**

<u>NEW YORK CITY BOAT TOURS, LLC and EDWARD MATTIACE</u> <i>Plaintiff</i> v. <u>HEIDI VERMANDEL</u> <i>Defendant, Third-party plaintiff</i> v. <u>THE CITY OF NEW YORK</u> <i>Third-party defendant</i>	) ) ) ) Civil Action No. 1:22-cv-07383 (NGG)(LB) ) ) ) )
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**SUMMONS ON A THIRD-PARTY COMPLAINT**

To: (*Third-party defendant's name and address*) **THE CITY OF NEW YORK**  
 Corporation Counsel  
 100 Church Street  
 New York, NY 10007

A lawsuit has been filed against defendant Heidi Vermandel, who as third-party plaintiff is making this claim against you to pay part or all of what the defendant may owe to the plaintiff New York City Boat Tours and Edward Mattiace.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff and on the defendant an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the defendant or defendant's attorney, whose name and address are:

Hofmann & Schweitzer,  
 212 West 35th Street, 12th Floor  
 New York, NY 10001

It must also be served on the plaintiff or plaintiff's attorney, whose name and address are:

Nicoletti Hornig & Sweeney  
 88 Pine Street, 7th Floor  
 New York, NY 10005-1801

If you fail to respond, judgment by default will be entered against you for the relief demanded in the third-party complaint. You also must file the answer or motion with the court and serve it on any other parties.

A copy of the plaintiff's complaint is also attached. You may – but are not required to – respond to it.

Date: \_\_\_\_\_

*CLERK OF COURT*

*Signature of Clerk or Deputy Clerk*

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Civil Action No. 1:22-cv-07383 (NGG)(LB)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (*name of individual and title, if any*) \_\_\_\_\_  
was received by me on (*date*) \_\_\_\_\_.

I personally served the summons on the individual at (*place*) \_\_\_\_\_  
on (*date*) \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with (*name*) \_\_\_\_\_,  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on (*date*) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on (*name of individual*) \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of (*name of organization*) \_\_\_\_\_  
on (*date*) \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other (*specify*): \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

*Server's signature*

*Printed name and title*

*Server's address*

Additional information regarding attempted service, etc: